

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 101
Customer RID	<input type="checkbox"/>	24 hours	
Internal Staff RID	<input checked="" type="checkbox"/>	10 working days	
		As time available	<input checked="" type="checkbox"/>

1. **Project Name:** Construction Trades Contractors

2. **Project Number:** None

(Plat #, Zoning Case #, etc.)

3. **Project Street Address:** None

(If not available nearest intersection of two public streets)

4. **Applicant Name:** N/A.

5. **Applicant Address:** N/A.

6. **Applicant Telephone:** N/A.

7. **Applicant e-mail Address:** #: N/A.

8. **Rule in Question:** Unified Development Code provisions relative to contractor facilities and construction trades contractors

9. **Applicant's Position:**

(Including date position presented and name of city staff point of contact)

Date: August 12, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 210-207-8229

The Table of Permitted Uses has two entries as indicated below:

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Industrial	Contractor Facility						S		S	P	P	S	7100
Service	Construction Trades Contractors								P	P	S	S	

Staff and customers are unclear on which entry to apply to individual uses when making a zoning determination.

10. **Staff Finding:**

(Including date of finding and name of city staff person formulating finding)

Date: August 12, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 210-207-8229

UDC §35-A101 provides for the following definitions:

Construction trades contractors. Building trades contractors including but not limited to the areas of flatwork, fencing, foundations, plumbing, electrical, mechanical, carpentry, sheet rock, painting, roofing, masonry, landscaping, yard and lawn irrigation and other similar trades.

Contractor facility. An office of an entity or individual that provides construction and or repair facilities and includes one or more of the following: outside or interior storage of equipment, tools, construction materials, salvaged construction materials, heavy equipment, truck or van fleets of three (3) or more vehicles or similar items.

The table of permitted uses provides LBCS function code 7100 for contractor facility but does not provide a function code for construction trades contractors. The Land Based Classification Standards (available online at <http://www.planning.org/lbcs/standards/function.htm>) provides the following description for code 7100:

Establishments in this subcategory are responsible for the entire construction (i.e., new work, addition, alteration, and repair) of building projects. Construction work may be for others, or for the establishment as a speculative or operative builder. Establishments include custom builders, design builders, engineer-constructors, general contractors, joint-venture contractors, turnkey contractors, developers, land subdividers, and construction management firms.

The table of permitted uses does not provide a function code for construction trades contractors but after examining the LBCS website finds that the entry for special trades contractor (number 7300) is consistent with the UDC definition in §35-A101

Establishments in this category specialize in construction activities, such as plumbing, painting, and electrical work. These activities may be subcontracted from builders or general contractors or may be performed directly for project owners. Construction work includes new work, additions, alterations, maintenance, and repairs. Special trade contractors usually work at the job site, although they may have shops for prefabrication and other work.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: August 12, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 210-207-8229

Staff's position is to use the LBCS to differentiate between a contractor's facility and a construction trades contractor. Specifically a contractor facility is a designation for a firm responsible for the entire construction of building projects such as:

- Custom builders
- Design builders
- Engineer-constructors
- General contractors
- Construction management firms

And other uses consistent with the LBSC description for function code 7100.

Local examples of a contractor's facility include the HB Zachry facility on Longwood Avenue (zoned I-2) and the Guido Brothers Construction facility on Vidor Drive (zoned I-1).

In contrast, a construction trades contractor is a specialized contractor that would include the following:

- Carpentry, floor and tile contractors including framing, floor laying, installation of doors, windows, tile, marble/terrazzo as well as paneling and steel framing
- Concrete and asphalt contractor including foundation work, retaining walls, patio and driveway construction as well as grout and shotcrete work (*not concrete manufacturing*)
- Electric contractor office with dispatch service and sales of electronic equipment (*for electric repair see "service – electric repair" in the Table of Permitted Uses*)
- Glass and glazing contractor (*not glass manufacturing or wholesaling, nor auto – glass tinting*)
- Masonry and drywall contractors, including foundation work, granite work and acoustic paneling
- Painting and wall covering, including building interior/exterior as well as traffic lane or parking striping and painting
- Plumbing, heating and air conditioning installation and service establishments
- Roofing, siding and sheet metal installation and service
- Groundskeeping, yard and lawn irrigation services

Local examples of a construction trades contractor include the Belden Roofing facility on West Avenue (zoned L) and the Ferguson Enterprises facilities on Mainland Drive and Burwood Lane (both sites zoned I-1).

Based upon these descriptions, staff shall interpret the permitted uses matrix as follows:

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBFS Function)
Industrial	Contractor Facility						S		S	P	P	S	7100
Service	Construction Trades Contractors								P	P	S	S	7300

Given the absence of "S" specific use authorization and that the construction trades contractors are a "P" permitted use in the "L" district then the construction trades contractors use may be permitted as a "CD" conditional use in the C-2, C-3, UD, RD and MI-1 district consistent with the provisions of UDC §35-422, Table 422-1 as provided below:

(A) Use authorized by right in:	(B) May be permitted pursuant to a conditional zoning district in:
RM-4, RM-5, RM-6, O-1, NC, C-1	Any residential district
O-1, C-1, C-2, UD	NC, C-1, UD
O-1, O-2, C-2, C-3, UD	C-1, C-2, UD, RD
L, I-1, QD	C-2, C-3, UD, RD, MI-1

Both a contractor facility and construction trades contractors may include a showroom for the general public as well as administrative offices and storage areas for equipment, supplies and fleet vehicles. Any outdoor storage that is not under a roof, shall comply with the outdoor storage standards of §35-525 for Class 5 storage.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)


Date of policy/action: Immediate

Effective Date of policy/action: Immediate

Concurs with staff position and directs staff to include this item in a future UDC update program.



Roderick Sanchez, AICP, C.B.O
Director



Date